



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,551	09/18/2000	Mark R. Thompson	19396-001400US	6622

20350 7590 10/21/2003

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

SAJOUS, WESNER

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/663,551

Applicant(s)

THOMPSON ET AL.

Examiner

Wesner Sajous

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

This communication is responsive to the amendment and response filed on August 1, 2003. By this amendment, claims 1-19 are now presented for examination, of which claims 1, 2, 14, and 19 are amended.

Response to Arguments

1. The Applicant, at page 8 of the response appears to argue that the Le Blanc reference fails to teach that the user can control the representation of the icon without inputting a control signal to the underlying software program being controlled by the user. In response to applicant's argument that the references fail to show the above-mentioned features of the claims, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
2. The amendment filed 8/1/2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the claims that is not supported by the specification. The added material which is not supported by the original disclosure is as follows: "while not directing the program controlled by said graphical user interface on how to perform".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1, 2, 14 and 19 recite the limitations: "while not directing the program controlled by said graphical user interface on how to perform" that are not supported. The Applicant is required to cancel the new matter in the reply to this Office Action.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1, 2, 14 and 19 recite the limitations: "while not directing the program controlled by said graphical user interface on how to perform" that are unclear and indefinite. By these limitations, it is not

Art Unit: 2676

understood exactly what the Applicant is trying to encompass. Clarifications are required.

7. Claims 3-13, 15-18 contain the features of claims 1, 2, 14, and 19, by dependence, they are, therefore, rejected for the same reasons.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres (5,384,910) in view of Le Blanc (5,977,968).

Considering claim 1, at figs. 1/2, item 12, and col. 2, lines 39-45, col. 9, lines 15-35, Torres sets forth or renders obvious most claimed features of the invention, as recited in the previous office action, paper no. 2; however, Torres fails to contemplate that a control accessible by the user to independently reconfigure the shape of the subsection of the graphical user interface in a plurality of user desired configurations in response to operation of the control by the user.

However, Le Blanc teaches the equivalence for a control (20, see fig. 1) accessible by the user to independently reconfigure the shape of the subsection (17, see fig. 1) of the graphical user interface (16, see fig. 1) in a plurality of user desired configurations (*attitudes or changeable attributes representations of user*) in response

Art Unit: 2676

to operation of the control by the user. See figs. 1 (A&B), and col. 3, lines 32-36, and col. 4, lines 10-51.

Therefore, based on the above embodiments, the ordinary skill in the art at the time the invention was made would have been motivated to modify the operator reconfiguration of a GUI in the Torres' system to include using a control 20 to let the user independently reconfigure the shape of the subsection (17) of the graphical user interface (16) in a plurality of user desired configurations (*attitudes or changeable attributes representations of user*) as taught by Le Blanc (see col. 3, lines 32-36, and col. 4, lines 10-51); in order to allow the user to interact with the graphical user interface, and to change a section of the GUI that reflects the user's preference.

The invention of claims 2-3, 11, including a formatting graphical user interface (30) comprises defining a subsection of the GUI and designating the subsection of the GUI as reconfigurable (*by means of processor 12 of system 10 defining window 34 including a menu field or subsection 60*), although slightly different, it recites features equivalent to and performing similar functions as in claim 1, and is, therefore, subject to rejections for the same reasons and rationale set forth for claim 1, for the system 10, during processing, does not reconfigure the entire GUI (30), but only a portion of the display or the components or subsections of the menu-formatted GUI. Is reconfigured. It is further noted that the processing system 10 can facilitate the designation of at least one of the plurality of the fields (or subsections 58-68) in field palette 56 of GUI 30 for manipulation or reconfiguration by the user, as characterized by step 178 of fig. 10 of Torres, and Le Blanc further teaches allowing the user to modify the shape of the GUI's

Art Unit: 2676

subsection during reconfiguration, as suggested at col. 3, lines 32-36, and col. 4, lines 10-51).

Re claims 4-10, 12-13, the claimed steps of--utilizing a width and height to define the maximum expansion and the minimum compression size limit of the subsection, and allowing the user to control the expansion the GUI together with the subsection—are characterized by the functions of processing system 10 of Torre, for this feature allows for maximum flexibility in utilizing the formatted GUI and allows for the customization of the components of the GUI by the user operator. See Torre's col. 3.

Considering claims 14-18, Torres discloses or render obvious most claimed features of the invention as applied in the above claims 2-3, and 11 rejections and further in view of the rejections applied in the previous office action; except for the claimed of providing a control accessible by the user to independently reconfigure the shape of the subsection of the graphical user interface in a plurality of user desired configurations in response to operation of the control by the user.

However, Le Blanc teaches the equivalence for a control (20, see fig. 1) accessible by the user to independently reconfigure the shape of the subsection (17, see fig. 1) of the graphical user interface (16, see fig. 1) in a plurality of user desired configurations (*attitudes or changeable attributes representations of user*) in response to operation of the control by the user. See figs. 1 (A&B), and col. 3, lines 32-36, and col. 4, lines 10-51.

Therefore, based on the above embodiments, the ordinary skill in the art at the time the invention was made would have been motivated to modify the operator

Art Unit: 2676

reconfiguration of a GUI in the Torres' system to include using a control 20 to let the user independently reconfigure the shape of the subsection (17) of the graphical user interface (16) in a plurality of user desired configurations (*attitudes or changeable attributes representations of user*) as taught by Le Blanc (see col. 3, lines 32-36, and col. 4, lines 10-51); in order to allow the user to interact with the graphical user interface, and to change a section of the GUI that reflects the user's preference.

The invention of claims 19, including the steps of defining the spatial properties of the subsection (*as characterized by Torres' item 56 of fig. 2 by means of processor 12*); and permitting the user to retain the spatial properties of the subsection during reconfiguration (*by means of the operator-initiated command under the execution of the processor to contemplate for the designation of the reconfigurable subsection of the GUI 30 in Torres*), although slightly different, it recites features equivalent to and performing similar functions as in claim 2, and is, therefore, subject to rejections for the same reasons and rationale set forth for claim 2. The spatial properties are noted to represent the field menus or subsections arrangements on the screen of GUI 30 (see Torre's fig. 2), so as to make the user interaction easier.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2676

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-872-9314, (for **Technology Center 2600 only**)

or (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist

Commissioner of Patents and Trademarks

Washington, DC 20231

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Wesner Sajous** whose telephone number is **(703) 308-**

Art Unit: 2676

5857. The examiner can also be reached on Monday through Thursday and on alternate Fridays between 9:00AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number for this group is (703) 308-6606.

Wesley Dajous - WDS

10/8/03

Matthew C. Bella

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600